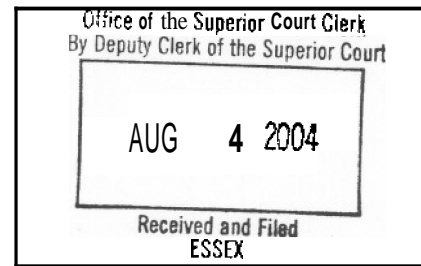


PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street, 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiffs

By: Carol G. Jacobson
Deputy Attorney General
(973)548-3453



SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION, ESSEX COUNTY
DOCKET NO.:

C-243-04

PETER C. HARVEY, Attorney General of the
State of New Jersey, RENI ERDOS,
Director of the Division of Consumer Affairs,
and the NEW JERSEY BOARD OF MEDICAL
EXAMINERS,

Plaintiffs

v.

STEPHEN L. ANCIER

Defendant

Civil Action

COMPLAINT

Plaintiffs, Peter C. Harvey, Attorney General of the State of New Jersey, with offices located at 124 Halsey Street, Fifth Floor, Newark, New Jersey, and Reni Erdos, Director of the New Jersey Division of Consumer Affairs with offices located at 124 Halsey Street, Seventh Floor, Newark, New Jersey, and the New Jersey State Board of Medical Examiners, with offices located at 140 East Front Street, Second Floor, Trenton, New Jersey, by way of complaint, say:

JURISDICTION AND PARTIES

1. The Attorney General of New Jersey (hereinafter referred to as the “Attorney General”) is charged with enforcing the laws of the State pursuant to N.J.S.A. 52:17A-4, **and** is empowered to seek and obtain injunctive and other appropriate relief in the Superior Court for violation of N.J.S.A. 45:9-22 prohibiting the unlicensed practice of medicine and surgery. The Attorney General is also charged with *the* responsibility of enforcing the New Jersey Consumer Fraud Act (hereinafter referred to as the “CFA”), N.J.S.A. 56:8-1 et seq.

2. The New Jersey State Board of Medical Examiners (hereinafter referred to as the “Board”) is a professional licensing board located within the Department of Law **and** Public Safety, Division of Consumer Affairs, and is charged with the duty and responsibility of regulating the practice of medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:9-1 et seq. and the regulations promulgated pursuant thereto, N.J.A.C. 13:35-1 et seq.

3. The Director of the Division of Consumer Affairs (hereinafter referred to as the “Director”) is charged with the responsibility of administering and enforcing the CFA on behalf of the Attorney General pursuant to N.J.S.A. 56:8-1 et seq.

4. By this action, the Attorney General, Board and Director (hereinafter collectively referred to as “Plaintiffs”) seek injunctive **and** other relief for violations of N.J.S.A. 45:9-22 and the CFA. Plaintiffs bring this action in a summary manner pursuant to N.J.S.A. 45:1-23, 56:8-8, 56:8-11 and 56:8-13, **and** the New Jersey Rules Governing Civil Practice, specifically, R. 4:67. Venue is proper in Essex County, pursuant to R. 4:3-2, because it is the county in which Defendant resides **and** in which he has conducted business.

5. Defendant Stephen L. Ancier (hereinafter referred to as “Defendant” or “Ancier”) is an individual residing at 14 Claremont Avenue, Montclair, New Jersey, who at no time relevant to this complaint possessed a license to practice medicine and surgery in the State of New Jersey.

COUNT ONE

6. Plaintiffs repeal and reallege each of the allegations contained in the foregoing paragraphs as if set forth at length herein.

7. On or about February 11, 2004, the **Board** served upon Defendant a Demand for Statement under Oath and a Subpoena Duces Tecum in connection with an on-going investigation into Defendant’s prescribing of prescription legend drugs and controlled dangerous substances over the Internet.

8. ~~On~~ or about March 2, 2004, Defendant **provided** the Attorney General with a Statement under Oath (hereinafter “Statement under Oath”) in connection with this investigation.

9. Ancier was granted a license to practice medicine in the State of Washington (M.D.19001) in 1981 and in the State of Pennsylvania (032139E) in **1984**. Prior disciplinary actions against his license have previously been taken in both States and there *are* currently pending actions against his license in both States in connection with his prescribing of controlled dangerous substances and legend drugs over the Internet. His license (No. 25753 and 30686) to practice medicine and surgery in the State of Colorado, originally granted in 1983, was revoked in 1993. His license (No. 143647) to practice medicine and surgery in the State ~~of~~ New **York**, originally issued in 1985, was suspended indefinitely in May 1995 based upon the Colorado revocation. His California license (No. AG43004) to practice medicine and surgery, issued in 1981, was voluntarily surrendered in 1989.

10. Defendant does not have an office address from which he practices medicine utilizing either his Washington or Pennsylvania license. The address to which his Washington license is mailed is an Olympia, Washington, address which is the home of an acquaintance. The address listed on his Pennsylvania license is P.O. Box 43051, Upper Montclair, New Jersey.

11. Beginning at least as early as August 2001 and continuing at least through January 2004, in conjunction with entities that operate web sites that provide prescription medication to consumers, Defendant has provided "consultations" for and prescribed medication to consumers based solely on information provided in an on-line questionnaire.

12. The entities for which Ancier wrote prescriptions during the aforesaid period are RB Health Inc.; Millennium Medical Group Inc.; USA Prescriptions Inc.; B&G Consultants Inc.; Impact Service Group, Inc.; American Medical Services, LLC; Global Services, LLC; and Triad Pharmacy.

13. Defendant issued these prescriptions from temporary and permanent residences in New Jersey from which he had access to a computer including, but not limited to, the Marriott Residence Inn, Parsippany, New Jersey from February 2000 to November 2003, and 14 Claremont Avenue, Montclair, New Jersey from November 2003 through January 2004.

14. Ancier issued thousands, if not hundreds of thousands, of prescriptions nationwide, including to consumers in New Jersey, during the period of August 2001 through January 2004 from a computer located in New Jersey.

15. Ancier issued the aforesaid prescriptions from New Jersey without being licensed to practice medicine and surgery in the State of New Jersey.

16. On or about January 30, 2004, the Defendant voluntarily ceased writing Internet prescriptions for America Medical Services, LLC; Global Services, LLC; Impact Health Care; Millennium Medical Group, Inc; RB Health and Triad Pharmacy.

17. By issuing prescriptions from New Jersey ~~for~~ controlled dangerous substances and prescription legend drugs to New Jersey residents **and** others, Defendant practiced medicine within the meaning of N.J.S.A. 45:9-5.1 and N.J.S.A. 45:9-18 and engaged in conduct constituting the practice of medicine and surgery in the State of New Jersey without a license to do so in violation of N.J.S.A. 45:9-6.

WHEREFORE, based upon the foregoing allegations, Plaintiffs respectfully request that the Court enter judgment after a summary proceeding, as authorized by N.J.S.A. 45:1-23 and R. 4:67:

(a) Finding that the acts of the Defendant ~~Stephen~~^{Steph}en L. Ancier constitute multiple instances of the unlicensed practice of medicine and surgery in **New** Jersey in violation of N.J.S.A. 45:9-1 et seq.

(b) Permanently enjoining Defendant Stephen L. Ancier pursuant to N.J.S.A. 45:1-23 from engaging in or holding himself out as engaging in the practice of medicine and surgery pursuant to N.J.S.A. 45:9-1 et seq., unless and until ~~he~~ is duly authorized by the **New** Jersey State Board of Medical Examiners to ~~do so~~.

(c) Awarding judgment in favor of Plaintiffs for maximum civil penalties for each instance ~~of~~ practicing medicine and surgery without being licensed pursuant to N.J.S.A. 45:1-23 **and** -25.

(d) Assessing costs, including but not limited to costs of investigation, expert witness fees and costs. and transcript costs pursuant to N.J.S.A. 45:1-25.

- (e) Granting such other relief as the interests of justice may require.

COUNT TWO

18. Plaintiffs repeat and reallege each of the allegations contained in the foregoing paragraphs as if set forth at length herein.

19. Pursuant to N.J.A.C. 13:35-7.1A, effective September 15, 2003, a physician, with certain limited exceptions, is prohibited from issuing prescriptions to an individual without first having conducted a patient examination, including an appropriate history **and** a physical examination, appropriately documented in the patient record.

20. Ancier repeatedly issued prescriptions from New Jersey for patients after September 15, 2003, without taking an appropriate history or performing a physical examination of the patient.

21. By issuing prescriptions from New Jersey for controlled substances and legend drugs without having conducted an appropriate examination of the patient, Defendant practiced medicine within the meaning of N.J.S.A. 45:9-5.1 and N.J.S.A. 45:9-18 and engaged in conduct constituting the practice of medicine and surgery in the State of New Jersey without a license, in violation of N.J.S.A. 45:9-6, and in violation of the regulations governing the practice of medicine **and** surgery in this State. N.J.A.C. 13:35-1.1 et seq., including but not limited to N.J.A.C. 13:35-7.1A.

WHEREFORE, based upon the foregoing allegations, Plaintiffs respectfully request that the Court enter judgment after a summary proceeding, **as** authorized by N.J.S.A. 45:1-23 and R. 4:67:

(a) Finding that the acts of the Defendant Stephen L. Ancier constitute multiple instances of the unlicensed practice of medicine and surgery in New Jersey in violation of N.J.S.A. 45:9-1 et seq. and the regulations promulgated pursuant thereto, specifically N.J.A.C. 13:35-7.1A.

(b) Permanently enjoining Defendant Stephen L. Ancier pursuant to N.J.S.A. 45:11-23 from engaging in or holding himself out as engaging in the practice ~~of~~ medicine and surgery pursuant to N.J.S.A. 45:9-1 et seq., unless and until he is duly authorized by the New Jersey State Board of Medical Examiners to **do** so.

(c) Awarding judgment in favor of Plaintiffs for maximum civil penalties for each instance of practicing medicine and surgery without being licensed pursuant to N.J.S.A. 45:1-23 and **-25.**

(d) Assessing costs, including but not limited to costs of investigation, expert witness fees and costs, and transcript costs pursuant to N.J.S.A. 45:1-25.

(e) Granting such other relief as the interests of justice may require.

COUNT THREE

22. Plaintiffs repeat and reallege each of the allegations contained in the foregoing paragraphs as if set forth at length herein.

23. The CFA, N.J.S.A. 56:8-2, prohibits

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing []concealment, suppression or omission of any material fact with intent that others rely upon such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise...whether or not any person has in fact been misled, deceived or damaged thereby....

24. By prescribing legend drugs and controlled substances in New Jersey to consumers ~~without~~ being licensed or having the legal authority to **do** so, Ancier engaged in conduct that constitutes the use or employment of unconscionable commercial practice, deception, or misrepresentation in violation of the CFA, N.J.S.A. 56:8-2.

WHEREFORE, based upon the foregoing allegations, Plaintiffs respectfully request that this Court enter judgment after a summary proceeding as authorized by N.J.S.A. 56:8-8 and R. 4:67:

(a) Finding that the acts of the Defendant Stephen L. Ancier constitute multiple violations of the Consumer Fraud Act.

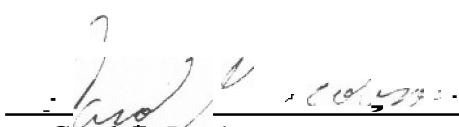
(b) Permanently enjoining Defendant Stephen L. Ancier from engaging ~~in~~, continuing to engage in, or doing any acts or practices ~~in~~ violation of the CFA, N.J.S.A. 56:8-1 et seq., including but not limited to the acts **and** practices alleged in the complaint.

(c) Awarding judgment in favor of Plaintiffs for maximum civil penalties for each and every violation of the CFA in accordance with N.J.S.A. 56:8-13.

(d) Assessing costs and fees, including attorneys' fees, **as** authorized by N.J.S.A. 56:8-11 and N.J.S.A. 56:8-19.

(e) Granting such other relief as the interests of justice may require.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

By: 
Carol G. Jacobson
Deputy Attorney General


Dated: August 3, 2004

Certification Pursuant to R. 4:5-1

Upon information and belief, administrative actions are pending before the physician licensing boards in the States of Washington and Pennsylvania concerning Dr. Ancier's Internet prescribing. I am unaware of any non-parties to be joined in this action.

I further certify that the undersigned is designated as trial counsel in the within matters.

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY

By: 
Carol G. Jacobson
Deputy Attorney General

Dated: August 3, 2004